

Coherence in EU external action: the case of humanitarian aid

Paper presented at the 10th Biennial EUSA Conference,
Panel Session on ‘Development aid and economic partnership agreements’,
Montreal,
17-19 May 2007

Helen Versluys
Ghent University – Centre for EU Studies

Work in progress!

Introduction

The European Security Strategy (2003: 11) states that if the European Union is to make a contribution to international politics “that matches [its] potential”, it has to be “more coherent”. This paper identifies four levels at which coherence concerns come into play. (1) Horizontal coherence refers to the extent to which different EU external policies are streamlined. (2) Institutional coherence denotes the tensions which arise because responsibility for external relations is shared *between* the Commission and the Council. It also covers coherence problems *within* the Commission. (3) The degree of alignment of member states’ national policies and activities undertaken at the EU level is called vertical coherence. (4) Multilateral coherence points to how EU external action relates to that of other international actors.

Using humanitarian aid policy as a case, the paper examines the nature of coherence problems. (1) To what extent is EU humanitarian aid policy coherent with EU development, crisis management, and human rights activities? (2) Do tensions arise between the European Commission’s humanitarian office ECHO and the Council bodies in charge of the Common Foreign and Security Policy/European Security and Defence Policy? (3) Do the humanitarian aid initiatives of the European Commission and national humanitarian aid departments reinforce, contradict, or duplicate each other? (4) Is EU humanitarian aid policy consistent with the efforts of other donors?

1. Taxonomy of coherence¹

Horizontal consistency denotes the extent to which the various EU external policies are coherent with each other. Several articles in the EU Treaties refer to this type of coherence. Article 3 of the Treaty on European Union (TEU) states: “The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies.” Article 178 of the Treaty establishing the European Community (TEC) obliges the Community to take account of its development objectives, and by extension its humanitarian ones², in its policies which are likely to affect developing countries.

Institutional consistency refers to the problems which arise because the single policy sector of external relations is handled by two actors, the Commission and the Council, each applying different procedures (Community and intergovernmental), different instruments, and different bureaucracies, and with neither being in a position to provide overall coherence³. Institutional rivalry is further fuelled by the fact that there are many grey zones where the demarcation between pillars is not necessarily respected. Gradually, provisos for cooperation have been

¹ In the literature a distinction is usually made between horizontal and vertical coherence. Simon Nuttall (2005) adds the notion of institutional coherence. Here, a fourth dimension is introduced, viz. multilateral coherence. ‘Consistence’ and ‘consistency’ are used as synonyms for ‘coherence’ in this paper.

² Humanitarian aid is not explicitly mentioned in the Treaties. Article 179 TEC on development cooperation served as the legal basis for the 1996 Council Regulation which governs EU humanitarian aid.

³ Apart from authority over external relations being shared between the Council and the Commission, responsibility for ensuring consistency of EU external policy itself is a task of several EU bodies. The Common Provisions of the TEU (Article 3 TEU) state: “The Council and the Commission shall be responsible for ensuring consistency and shall cooperate to this end.” In contrast, the Common Foreign and Security Policy provisions (Article 13 TEU) charge the Council with the task to “ensure the unity, consistency and efficiency of action by the Union”, without any reference to the Commission.

developed. Yet, competition over ownership of EU external policies continues to exist (Christiansen and Vanhoonacker 2006). Institutional coherence covers potential challenges to consistency within the Commission as well.

Vertical consistency is challenged if one or more member states pursue national policies which are out of kilter with policies agreed at the EU level. In addition to coherence between the national and supranational level, consistency among member states' national policies is included. Article 11 TEU, referring to the Common Foreign and Security Policy⁴, states: "The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations." Article 180 TEC makes specific provisions for the synergy between EU and member states' development cooperation (and thus by extension also humanitarian aid) policies: "The Community and the Member States shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organizations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of Community aid programmes." The need for complementarity between the Commission's and the member states' development policies, i.e. a better division of labour according to each party's comparative advantage, is further insisted on in article 177 TEC.

Multilateral coherence designates consistency between the EU's actions in a particular field of external action and the activities of other international actors in the same domain. An objective of EU external action is "to promote international cooperation" (Article 11 TEU). Article 177 TEC, dealing with development cooperation, states: "The Community and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations." Article 181 TEC states: "Within their respective spheres of competence, the Community and the Member States shall cooperate with third countries and with the competent international organisations."

2. European humanitarian aid policy and coherence

2.1 Horizontal coherence

2.1.1 Emergence of the coherence agenda in humanitarian aid policy

The humanitarian imperative – the idea of a shared humanity and hence the entitlement of each human being to emergency aid in times of crisis – morally obliges governments to alleviate the suffering of people in need, without taking into account political, economic or other considerations. This idea of unconditional humanitarian aid originates with Henry Dunant. In the aftermath of the 1859 battle between France and Austria at Solferino, the injured remained on the battlefield, with little attempt to provide care. Dunant convinced the local civil population to help the wounded irrespective of their side in the conflict. Within the international community disagreement exists on whether this type of 'Dunantist' humanitarian aid is a thing of the past. The post-Cold War period saw the emergence of what has been referred to as 'new humanitarianism', the 'coherence agenda' or the 'integrated approach'. No

⁴ Humanitarian aid is an external activity resorting under pillar 1, and therefore this article on the Common Foreign and Security Policy strictly speaking does not apply to the humanitarian field. Yet, it gives an idea of the general 'spirit of loyalty' in external action EU member states promise to abide by.

longer solely a palliative to address emergency needs in times of crisis, humanitarian aid came to be considered as a tool for peacebuilding, a starting point for addressing poverty, and a means of promoting human rights and good governance (Macrae and Leader 2000: 25; Fox 2001: 276; Mills 2005: 166). How can this be explained?

(1) Complex emergencies

According to Macrae (2003: 10), the most fundamental reason for the emergence of a more integrated approach to humanitarian action, was the “recognition that humanitarian crises are not simply acts of God” but largely political events. By the end of the 1980s, the term complex emergency was coined to reflect the multiple causes of humanitarian crises. Of crucial importance was the 1994 Rwandan genocide, which painfully demonstrated the primacy of political factors in causing massive suffering of populations through widespread killings, forced displacement, and asset stripping. The *Joint Evaluation of the International Response to the Conflict and Genocide in Rwanda* signalled an awareness of the limitations of humanitarian aid in confronting complex crises and of the need for parallel political intervention, and recommended increasing coherence among political action, peacekeeping, and humanitarian assistance (Eriksson et al. 1996: 46-48).

(2) Conditional sovereignty

With the end of the Cold War, the demise of superpower confrontation meant that the need to support weak regimes as part of Cold War strategy declined (Duffield 2001: 310). The imperative of non-intervention in the internal affairs of another state was replaced by the idea that sovereignty “could be envisaged as having a licence from the international community to practise as an independent government in a particular territory” (Taylor 1999: 538). The respect of states’ sovereignty became conditional upon states adhering to norms of international behaviour and providing good internal governance. Increasingly, the international community was ready to intervene in internal conflicts causing humanitarian crises. One such form of intervention is the provision of humanitarian aid.⁵

(3) Expanded security concept

Traditional approaches to security focus on the threat, use, and control of military force in the context of state-based international competition. Within the new security framework which gained ground in the early 1990s, stability was to be achieved “by activities designed to reduce poverty, satisfy basic needs, strengthen economic sustainability, create representative civil institutions, protect the vulnerable and promote human rights” (Duffield 2001: 310).

What are the characteristics of this new security concept? Firstly, it is people-centred rather than state-centred. The United Nations Development Programme (1994: 22-24) formulated it as follows: “The concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust. It has been related more to nation-states than to people. [...] Forgotten were the legitimate concerns of ordinary people. [...]. For many of them, security symbolized protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression, and environmental hazards.” Secondly, the indivisibility of security is a central tenet of the new paradigm. Events

⁵ UN Resolution 46/182 argued that: “The sovereign, territorial integrity and national unity of states must be fully respected in accordance with the Charter of the UN. In this context, humanitarian assistance should be provided with the consent of the affected countries, and in principle on the basis of an appeal by the affected country.” The inclusion of the terms ‘should’ and ‘in principle’ indicates the willingness of the international community to intrude upon state sovereignty on humanitarian grounds (Macrae and Leader 2000: 16).

anywhere in the world can have an immediate impact on a global level. Thirdly, ideas on who and what can provide security changed. With its assumed monopoly on the use of force, the sovereign state was the appropriate source of security. In the expanded concept, achieving security is seen as a collaborative effort involving not only governments of nation states, but also international organizations, NGOs, civil society groups, commercial organizations and individual citizens (Henk 2005: 97). Furthermore, in addition to military assets, political and economic instruments have to be deployed to contribute to international stability. This is particularly relevant to our discussion, as aid too came to be seen as a tool for dealing with conflicts. By the early 1990s, a consensus emerged that instability in the South was the result of developmental malaise. By identifying the causes of conflict as associated with poverty and underdevelopment, a role for aid in conflict resolution emerged. The expectation that *development* aid could address the roots of violence also affected the role ascribed to *humanitarian* aid. Since in those countries affected most intensely by conflict, mainstream development aid was largely absent for political reasons⁶, the primary aid instrument for conflict resolution available to policy makers was that of humanitarian emergency relief (Macrae, Brusset, and Tiberghien 2003: 11).

(4) Criticism of the humanitarian aid sector

In the course of the 1990s, humanitarian assistance was exposed to sharper criticism. First, there was the feeling that while humanitarian relief provided a temporary remedy for the symptoms of disasters, it did little to reduce populations' vulnerability and enable them to re-establish their lives and livelihoods. Too often relief assistance created new dependencies. The response to this criticism has been a growing tendency to link humanitarian aid with poverty reduction, environmental protection and institution-building efforts, in an integrated package of conflict management and development (Curtis 2001: 6).

A second criticism highlighted that the provision of relief may fuel a conflict. From a diverse range of conflicts evidence emerged of massive manipulation of relief supplies by warring parties. For example, humanitarian aid agencies were accused of protecting and feeding killers in Hutu refugee camps, allowing them to re-arm and continue the 1994 Rwandan genocide. The recognition of the potentially negative effects of aid on conflict dynamics also reinforced the idea that aid could be used to influence more positively the course of the conflict, viz. that aid could be a tool for conflict reduction (Macrae 2004: 31). Thus, 'new humanitarianism', geared to contributing to development and stability in the South, served to re-legitimize the humanitarian aid sector which had been blamed for enhancing dependency and prolonging war (Fox 2001: 275).

To sum up: The recognition of the political character of humanitarian crises, the softening of the imperative of sovereignty, the expanded security concept, and the criticism that humanitarian assistance might aggravate conflicts, all led to the search for a more coherent, politically informed aid response to conflict situations. In this integrated approach, humanitarian assistance is no longer solely dedicated to alleviating distress strictly on the basis of need. The new orthodoxy expects humanitarian aid to contribute to development goals, conflict reduction and peace building, and human rights promotion.

2.1.2 Embeddedness of humanitarian aid not unproblematic

⁶ Development rests upon cooperation with the recipient government. Development aid flows to countries submerged in violent strife are often frozen because donors do not want to be associated with violent regimes. Humanitarian aid is provided by specialized humanitarian agencies, if necessary without the local government.

The promise inherent in the coherence agenda to save lives while at the same time promoting conflict resolution, development and human rights obscures that trade-offs emerge. Integration of humanitarian aid may strain compliance with the humanitarian imperative to provide emergency aid to crisis victims regardless of whom and where they are. A distinction might be created between deserving and undeserving victims, based on their expected contribution to peace and development and their human rights record. Such an approach potentially implies withholding aid, which might result in avoidable deaths (De Torrenté 2004: 3; Macrae 2004: 33). Integrating humanitarian aid in development or security strategies may also jeopardize the access to crisis victims and the safety of humanitarian workers. Humanitarians conclude a 'social contract' with belligerent parties, based on the understanding that assistance respects the principles of impartiality (the provision of relief solely on the basis of need, without discrimination between or within affected populations), neutrality (humanitarian action must not favour any side in a conflict), and independence (the autonomy of humanitarian aid from political, economic, or military objectives). If relief becomes associated with political intervention (even if meant to pursue laudable aims such as conflict resolution or sustainable development) it loses its neutral character, and warring parties may obstruct the delivery of humanitarian supplies or attack humanitarian personnel.

2.1.2.1 Humanitarian aid and development

Originally, the idea was that a particular type of assistance other than development aid was needed to enable populations in crisis to survive until normal conditions returned, and development could resume. The entitlement to such emergency humanitarian relief was to be unconditional, in contrast to development aid which increasingly became subject to political conditionality. Yet, the protracted and complex nature of many of today's conflicts changed thinking on the link between relief and development. Traditional humanitarian aid was more and more seen as a vicious circle in which humanitarians continue to stick band-aids without actual healing. Efforts to integrate characteristics of development cooperation into relief are driven by the frustrations of humanitarian workers responding to chronic crises in which the problems are not only shortage of food and water, but also the challenges faced by communities in sustaining livelihoods. However, if the purpose of relief becomes achieving sustainable livelihoods rather than saving lives questions of principles come into play. The assumption is that in the event of extreme deprivation caused by a humanitarian crisis the urgent needs of those affected must be met, and that can only be done by, what Kenneth Anderson (2004: 69) calls, a deliberate suspension of a judgment about the rights and wrongs of the conflict. Such neutrality is not possible for development work. It seems undesirable to engage with local institutions to sustain social welfare without taking a position on the legitimacy of these institutions. Development cooperation requires political judgements on issues such as democracy, pluralism, and human rights.

2.1.2.2 Humanitarian aid and crisis management⁷

The majority of post-Cold War humanitarian crises are linked to situations of organized violence in the form of civil war or transnational conflicts (Luck 2003: 11). This explains the increasing search for a merger of humanitarian and security agendas, with humanitarian assistance becoming part of a more comprehensive strategy to transform conflicts and decrease violence (Uvin 1999: 8). However, two potential types of trade-off between conflict management and humanitarian aid emerge.

⁷ The term crisis response is used to refer to all possible ways in which the EU engages in situations of conflict, including via humanitarian aid. The expressions crisis management, conflict prevention, conflict management, and conflict resolution are used with roughly the same meaning, referring to actions undertaken with the explicit aim of influencing the evolution of a conflict be it to prevent, reduce, or end violent strife.

'We will only help you if you demonstrate that you're working towards peace,' is a philosophy that tends to move us away from another article of faith of the [aid] community: 'We will help anybody in need regardless of their race, ethnic background or political affiliation'. (Nyamugasira et al. 1998: 3)

From a humanitarian viewpoint achieving peace might come at a high price. The political imperative to build peace might require marginalizing rebels, and thus denying humanitarian assistance to those in need situated in rebel-controlled areas (Bryer 2003: 5-6). Bosnia is an example of the selective provision of aid to secure compliance with a peace agreement. While the international community's attempt to alter Serb motives with regard to the conflict by denying assistance to Serb-controlled areas was partially effective, this type of politically-inspired aid provision aggravated deprivation of Serbs (MacFarlane 2001: 51).

While humanitarian activities sustain people who might otherwise die, they may also support the warring parties, and as such extend conflicts and produce still greater human suffering. Aid inputs may be stolen by fighters for war use. Deliveries of aid can prompt attacks on beneficiaries by militias. When outside humanitarian actors take on the burden of sustaining people affected by war, they ease the local parties' responsibility for ensuring human welfare. This allows parties to the conflict to shift more resources to military activities. Humanitarian assistance can become an important part of a country's GNP. This can create a reluctance to resolve the humanitarian problem, since the end of the emergency might also cause the flow of aid to dry up. In addition to the way in which humanitarian aid provision can fuel conflict, aid agencies' negotiations with opposition factions on humanitarian access may legitimize the role of the latter in the wider society, and as such undermine the international community's political strategy of isolation (Fraser and McNamara 2004: 87).

2.1.2.3 Humanitarian aid and human rights

At the outset the priority of humanitarian aid was to meet basic human needs. Human rights issues were left to politicians or to human rights agencies such as Human Rights Watch and Amnesty International. Relief did not depend on recipients' human rights record, this as opposed to development aid for which the practice of conditionality was introduced earlier and more explicitly.⁸ However, in the course of the 1990s, many donors and implementing organizations introduced a human rights approach into the humanitarian sphere. Demands were made that all aid be judged on how it contributes to promoting human rights.

While humanitarian relief and human rights promotion have a common starting point in the fundamental right of all individuals to live and to be free from persecution and want, tensions might arise. Humanitarians will interact with abusive authorities to gain access to vulnerable groups, while human rights workers may wish to bring those same authorities to justice (Alan Shawn Feinstein International Famine Center 2004: 6). Introducing human rights conditionality into humanitarian work might leave people in need without aid. If one denies basic assistance because of human rights abuses, what about the right to food, shelter and

⁸ Starting in 1973, the US Congress passed legislation outlawing aid to countries committing gross human rights violations. For the EU using aid to punish human rights abuses was at first unacceptable. Development aid was supposed to be non-political and relations with the 'Third World' free of the vestiges of colonialism, and distinct from the superpowers (Smith 2003: 103). However, this 'neutral' position towards the human rights record of third countries was not maintained. Since 1995 all agreements with third countries include a human rights clause which allows the EU to reduce aid, or suspend an agreement if the third country has violated human rights or democratic principles. Through such conditionality the EU tries to modulate the behaviour of the governments of third countries.

health care? When relief is supplied only on condition that parties to the conflict respect humanitarian rules and human rights, people in need might be wronged twice “as it amounts to stopping humanitarian aid because their rights are being violated” (Perrin 1998: 326). For example, when at the end of the 1990s, several humanitarian aid programmes in Afghanistan were suspended because the Taliban issued edicts restricting women rights, Afghan women were entirely abandoned to their fate (Fox 2001: 283).

2.1.3 Role of humanitarian aid in overall EU crisis response

The question emerges to what extent the move towards ‘new humanitarianism’ is noticeable at the EU level. According to the 1996 Council Regulation which governs EU humanitarian assistance the sole aim of humanitarian aid “is to prevent or relieve human suffering”. Relief must not be “guided by, or subject to, political considerations”, and is to be accorded “without discrimination on the grounds of race, ethnic group, religion, age, sex, nationality or political affiliation”.⁹ In other words, humanitarian spending is not intended to mesh with goals such as conflict prevention, sustainable development or human rights promotion. Does the EU discourse on apolitical humanitarian aid tally with reality?

2.1.3.1 Mind the gap: EU approach to the relief-development nexus

In the 1990s, EU humanitarian assistance was regularly used to support more developmental work. However, since 1999/2000 a turnabout can be noticed. The following section first analyzes a number of key policy documents which shed light on the evolution in EU thinking on the relationship between humanitarian and development aid. Next, some unresolved challenges in finding the optimal connection between relief and development are discussed.

1996 Council Regulation on Humanitarian Aid

The Regulation puts forward an interpretation of humanitarian assistance that reaches beyond life-saving emergency aid and also includes rehabilitation activities, such as reconstruction of infrastructure or socio-economic structures (schools, hospitals, etc.), designed to bridge the gap between primary humanitarian aid and long-term development.

1996 Communication on LRRD

In a 1996 Communication, the Commission introduced the concept of the linkage between relief, rehabilitation and development (LRRD). The burden for addressing the relief-development gap is put on the shoulders of humanitarian aid actors, who are expected to adopt more developmental approaches. Relief should be integrated into existing government structures or local NGO operations; relief items and distribution systems should match local culture and society; relief should take account of the gender dimension; and relief should be predictable and not terminated abruptly (European Commission 1996).

Article 20 Evaluation

Because of the relatively broad mandate set out in the 1996 Council Regulation, and the unwillingness or inability to replace ECHO aid with other instruments in ongoing crises, ECHO became active in the so-called grey zone between emergency relief and development cooperation in the course of the 1990s. A 1999 influential evaluation of EU humanitarian aid found that many of ECHO’s grey zone interventions were weak in terms of sustainability, and lacked a focus on local capacity-building. In addition, the influx of humanitarian aid sometimes contributed to undermining local governance, and ECHO did not do enough to mitigate this risk (European Commission 1999: 8-9).

⁹ Council Regulation (EC) 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163, 02/07/1996, pp.1-6.

The evaluators suggested three possible solutions: limit ECHO's role to emergency assistance only; explicitly extend ECHO's mandate to include operations in the grey zone; or create within the Commission, but outside ECHO, a new structure to deal with grey zone activities (Franklin Advisory Services 1999). Member states were reluctant to see an extension of ECHO's competences. In addition, they were worried that the establishment of a new service charged with transitional aid might further upset the Prodi Commission already submerged in substantial reforms. The Commissioners also believed that ECHO had strayed too far from its core purpose. As a consequence, the choice was made to reign in ECHO's scope of action to emergency relief in the strict sense of the word (ICG 2001: 10; Brusset and Tiberghien 2002: 59; Mowjee and Macrae 2002: 6).

2001 Communication on LRRD

The 1996 LRRD Communication still moved in the direction of a 'developmentalization' of humanitarian relief, ignoring the implications this may have on the perceived neutrality of humanitarian efforts. The 2001 Communication considers linkage of humanitarian and development assistance less of a humanitarian aid problem, and puts the onus on the Commission's rehabilitation and development instruments (Mowjee 2004: 8). Recognizing the potentially distorting effects of prolonged humanitarian aid, such as the creation of dependency and the undermining of local economic structures, the Commission insists that "humanitarian aid cannot address the structural causes of the problems, and is not an appropriate substitute for sustainable social and economic policies" (European Commission 2001a: 9). Therefore ECHO should focus on its core mandate of life-saving operations in emergencies, and aim for the earliest possible exit. A gradual phasing-out of humanitarian assistance is necessary in countries where the emergency is over. If the EU wishes to continue its aid commitment then the appropriate longer-term instruments have to be mobilized. The use of ECHO as gap filler when development assistance has been interrupted by political conditionality should likewise be avoided.

Challenges in linking EU relief and development efforts

It is often difficult to ensure a smooth transition between humanitarian and development aid. Currently, ECHO concentrates on exit strategies to avoid the prolongation of humanitarian operations in situations where development cooperation would be more appropriate. This implies that increasing responsibility is placed on other Commission departments to engage in often still volatile post-crises circumstances. However, the capacities and readiness of the development side of the Commission to get involved in protracted crises remain rather hesitant (ActionAid 2003: 16; Mowjee 2004: 14). Reportedly, LRRD is low on the list of priorities of EuropeAid, despite it being the Commission service officially charged with seeing to LRRD issues (Mowjee 2004: 12). Instances have been recorded of disruptions in the flow of aid, where ECHO simply informs DG Relex or DG Development that it is leaving in the hope but without any assurance that development assistance will follow (Bretherton and Vogler 2006: 132).

A major weakness in the Commission's LRRD strategy is the limited amount of funds available for transition work which forms the 'bridge' between relief and development. Some instruments have been used by the Commission to sponsor transitional measures, such as Rehabilitation and reconstruction, Aid to uprooted people in Asia and Latin America, Food aid and food security, Mine action, and the Rapid Reaction Mechanism¹⁰. Yet, these budget

¹⁰ These instruments for transitional work are administered by the Commission's development services (DG Relex, DG Development and EuropeAid).

lines cannot cover two large post-conflict situations at once (ActionAid 2003: 18). In fact, if relief and development are linked successfully, it is often thanks to ECHO funding. For example, ECHO provided support for a medical relief project run by Malteser International in Cambodia for several years. Then ECHO financed a one-year LRRD project consisting of more structural measures such as equipping local hospitals as well as training local health specialists. The aim was to ease the transition of the existing humanitarian initiatives into development cooperation projects. Member state donors (Belgium and Germany) took charge of further development support for the health services. While actually beyond its mandate, it was ECHO's LRRD project which allowed to successfully close the gap between relief and development (VENRO 2006: 11).

Nevertheless, some change can be noticed. Development DGs are gradually starting to step in earlier. The Commission increasingly adopts a double-forked approach to crises, involving both short-term relief as well as a set of longer-term activities. For example, in response to the 2006 drought-related crisis in the Horn of Africa, ECHO money was allocated for meeting primary humanitarian needs, while simultaneously funds were made available through the European Development Fund and the food security budget line for supporting long-term solutions for drought-related problems.

Two noteworthy initiatives which testify to the Commission's efforts to reinforce its response to chronic crises and post-conflict situations are the Humanitarian Plus programme and the European Agency for Reconstruction. Humanitarian Plus focuses on 'failed' states suffering from long-term crises. It differs from traditional humanitarian aid in that it seeks to be more than a band-aid and supports sustainable projects intended to contribute to peace and prepare the ground for development. While financed from the European *Development* Fund, the Humanitarian Plus programme is different from traditional development cooperation because programmes are implemented through non-governmental and UN channels rather than based on cooperation with the government in the recipient country. Humanitarian Plus funding has allowed the Commission to spend development funds without endorsing a particular regime in Sudan, Burundi and Angola. After ECHO closed down most of its humanitarian activities in former Yugoslavia, the European Agency for Reconstruction was established in 2000 as the EU's main reconstruction arm in war-damaged Kosovo, and later expanded to Serbia, Montenegro, and Macedonia. In 2006, the Agency managed around €244 million in EU assistance funds.

In the 2007-2013 Financial Perspectives the budget lines Aid to uprooted people and Food aid, used for bridging the gap between relief and development, have been incorporated into the Development Cooperation Instrument (see Appendix 1). It is too early to predict what the consequences will be for LRRD. On the one hand, money previously available for transitional measures might henceforward be more oriented to development. On the other hand, the Commission's new food security programme financed by the Development Cooperation Instrument is designed in particular to allow the Commission's development services to respond to instances of state failure and complex, protracted crises such as Somalia, Sudan or North Korea. Where the traditional geographic instruments for development cooperation cannot (or only partially) intervene, the food security programme should allow flexible funding of projects which need not be agreed on with the government of the recipient country.

Thus, at the EU level a move towards 'developmentalization' of humanitarian aid has been resisted. The more narrow interpretation of ECHO's mandate has triggered the Humanitarian Aid Office's withdrawal from a number of post-crisis situations. The larger involvement of

DG Development, DG Relex and EuropeAid in chronic crises, the use of budget lines such as Rehabilitation and reconstruction, Food aid and Aid to uprooted people to finance the transition from emergency to development assistance, and initiatives like the Humanitarian Plus Programme should allow ECHO to focus on core humanitarian tasks and aim for an early exit, while parallel aid is available for post-conflict measures and for protracted conflicts. Yet, the participation of the Commission's development departments for now remains relatively limited, with the unfortunate result of occasional gaps in the overall EU aid effort.

2.1.3.2 “Do no harm”¹¹: EU approach to the relief-conflict nexus

On average 80% of ECHO's operations are aimed at responding to humanitarian needs in conflict situations. Hence, it would seem logical to try to use humanitarian aid as a conflict management tool. In a 1996 Communication, the Commission indeed cites humanitarian emergency aid among the tools at the EU's disposal for preventing violent conflict from erupting or escalating (European Commission 1996: 18-19). Remarkably, in a 2003 Commission document providing an overview of EU civilian crisis management instruments, humanitarian aid is listed, but with an explicit warning against the use of relief for conflict transformation purposes.¹² This is illustrative of the turnaround which has occurred in the thinking on the relation between EU humanitarian assistance and crisis management.

1990s: humanitarian aid as substitute for political engagement

While the 1992 Maastricht Treaty officially provided for a Common Foreign and Security Policy (CFSP), until the end of the 1990s CFSP remained largely declaratory. In the absence of an effective CFSP with proper crisis management mechanisms, humanitarian aid may have been considered an alternative soft security instrument at the Union's disposal to intervene in third countries and to maintain a role on the international stage. Financing under ECHO was less cumbersome and faster than CFSP procedures. Often ECHO was the only EU entity present in countries faced with the outbreak of conflict, and ECHO humanitarian assistance the only manifestation of the EU's presence in countries of considerable political interest.

The case of Kosovo (1999) is an example of political pressure by member states for the allocation of a disproportionate share of ECHO funding to a high profile crisis in close proximity to the Union. Olsen et al. (2003: 117-118), comparing the response to the crises in Kosovo, Sudan, and Angola during the period 1998-1999, found that while humanitarian needs in the three crises were more or less comparable, the emergency in Kosovo attracted more than five times as much aid per person in need as did the ones in Angola and Sudan. Security as much as humanitarian concerns seem to have been the driving force behind aid allocations to Kosovo. The fear existed that war would spill over into other parts of former Yugoslavia or other Balkan countries, and European governments were reluctant to take in large numbers of refugees. Humanitarian aid was also considered a convenient way to provide assistance to politically sensitive areas, such as Cuba, without imposing human rights conditionality even in the absence of a humanitarian crisis (Randel and German 2000: 39).

From 1999/2000 onwards: strengthened commitment to needs-based humanitarian aid

From late 1999 onwards, ECHO began focusing on immediate, life-saving relief in emergencies, trying to maintain its independence from crisis management. A clear indication

¹¹ This expression is borrowed from Mary B. Anderson (1999).

¹² “EC humanitarian assistance cannot be considered a crisis management tool [...]. It is delivered solely on the basis of need, and cannot be subsumed to the political logic of crisis management. It is mentioned here solely as a reminder that such assistance will be an important element of the overall package of assistance delivered by the EC in a crisis management situation.” (European Commission 2003: 23)

of ECHO's efforts to provide aid regardless of strategic foreign policy considerations is the increasing percentage of its budget devoted to forgotten emergencies¹³, crises that receive low levels of donor and media attention, from 11.9 % of its budget in 2001 to 33.3 % in 2004 (Development Initiatives 2006: 184). Another sign of the trend towards needs-based aid provision is the decreasing amount of humanitarian aid going to the EU's neighbourhood and the increasing share going to Africa, a continent of lesser geopolitical importance but enduringly in need of humanitarian aid. While between 1993 and 1999, more than 50% of ECHO's resources went to the former Yugoslavia, in 2006 only 4.9% went to Eastern Europe and the Newly Independent States (ECHO 2006). In 2006, 48% of the EU's humanitarian funds went to Africa, compared to 16% in 1999. What were the factors contributing to this shift in ECHO policy towards more apolitical aid allocation?

a) Awareness of the limitations of humanitarian aid as conflict management tool

In a 1999 Communication on 'Assessment and future of Community humanitarian activities', the Commission expressed its awareness that "the harsh reality is that humanitarian assistance can only do so much to prevent suffering in the absence of other measures", and that the use of relief as conflict management tool constitutes "a potential source of conflicting humanitarian and policy priorities".

The 2001 Commission Communication on 'Conflict Prevention' nevertheless ascribes a role to humanitarian aid in crisis management, but mainly in an indirect manner. Activities primarily aimed at living up to the humanitarian imperative might indirectly also contribute to preventing conflict. Demining to provide a secure physical environment which allows for reconstruction, the demobilization and reintegration of former combatants, and emergency education to ensure that children affected by conflict do not become destabilizing elements in post-crisis situations¹⁴ are activities sponsored by ECHO which are in line with its humanitarian mandate and at the same time also enhance the security level in the immediate aftermath of a conflict (European Commission 2001b). While ample attention is devoted to the way in which aid (mainly development aid and in a more limited and indirect way humanitarian assistance) can help prevent conflict, no mention is made of the fact that aid might actually fuel conflict as well.

The negative effects of aid *are* clearly recognized in the 2001 Communication on 'Linking Relief, Rehabilitation, and Development'. According to the Commission, "[a]n immediate influx of large quantities of external resources or too long a period of emergency assistance, can encourage corruption, diversion of aid, prolongation of the conflict and an increase in unjustified, often uncontrollable expenditures (including military expenditure)" (European Commission 2001a: 7). Because of the potentially harmful consequences of prolonged humanitarian aid, among which the fuelling of conflict, ECHO should withdraw once its core humanitarian task of life-saving is fulfilled.

b) Development of dedicated crisis management tools

The establishment of explicitly political instruments for crisis management as part of the Common Foreign and Security Policy and within the Commission has further mitigated pressures to use ECHO relief as a crisis limitation instrument.

¹³ Examples are, to name but a few, forgotten needs in Nepal and Yemen, hardly countries high on the international political agenda.

¹⁴ Without access to education children who have been caught up in conflict are often left with no other choice than joining rebel groups or participating in criminal conflict-related activities.

-Second pillar crisis management instruments

The Balkan conflict gave rise to the conviction that – while humanitarian aid remained important – more forceful intervention had to be within the Union's reach, and set in motion the development of a European Security and Defence Policy. In 1999 Headline Goals were set for the creation of a Rapid Reaction Force (a military force of up to 60 000 troops available for deployment within 60 days, and sustainable in the field for a year), and in 2004 for EU Battle Groups (rapidly deployable, small units of 1500 soldiers for short-term international interventions up to full-combat situations). In 2000/2001, a civilian component was also added to crisis management, viz. policing (the provision of up to 5 000 policemen for tasks ranging from restoring order in cooperation with a military force to the training of local police), strengthening the rule of law (the supply of up to 200 judges, prosecutors and other experts in the field), supporting civilian administration (the deployment of a team to assist with elections, taxation, education, etc.), and civil protection (the provision of assistance to humanitarian actors in covering the immediate survival and protection needs of affected populations).

-First pillar crisis management instruments

To avoid the funding of activities such as media support, police training, human rights initiatives, and election monitoring in (post)conflict situations with ECHO money, a Rapid Reaction Mechanism (RRM) was established under the direction of DG External Relations in 2001. While ECHO's humanitarian action is focused on individual crisis victims, interventions under the RRM are aimed at the preservation or re-establishment of the civic structures necessary for political, social and economic stability. And while ECHO is politically neutral, the RRM is an explicitly politically oriented emergency instrument aligned with the CFSP, and intended to operate in the context of crisis management (Brusset and Tiberghien 2002: 59; Randel and German 2003: 80).

For the Financial Perspectives 2007-2013, the Commission has created an Instrument for Stability (see Appendix 1) with the explicit aim of tackling crisis and instability in third countries. This new Stability Instrument is distinct from the Humanitarian Aid Instrument meant for apolitical humanitarian aid allocation. This further confirms the Commission's endeavours to invest in crisis management while also protecting humanitarian assistance from being 'securitized'.

Problem of blurred distinctiveness of humanitarian aid

The emergence of the EU as a more politically active international actor has not gone hand in hand with an increased use of ECHO funds for political projects to do with conflict management or for military activities. On the contrary, the establishment of a more outspoken European foreign and security policy, with its focus on crisis management and with new means of intervention, has provided a window for ECHO to assume a more neutral role and focus on core humanitarian tasks. ECHO has phased out its more politically coloured interventions, for instance in Cuba, Bosnia and Kosovo. Moreover, the recent attention to military and civilian crisis management has not led to the sidelining of ECHO, nor has it been at the expense of resources devoted to humanitarian action. An increase in ECHO's budget is noticeable from €492 million in 2000 to €671 million in 2006. For the Financial Perspectives 2007-2013, a further raise to an average of €850 million/year was agreed upon.

Yet, while resisting overt securitization of humanitarian aid, the appearance of new crisis management instruments and the increasing overlap between exclusively humanitarian

operations and more political and even military engagement might blur the distinction between humanitarian aid and other forms of EU crisis response. Previously humanitarian aid was the main instrument at the EU's disposal for responding to crises. Recently, the Union has emerged as a more 'robust' and diversified emergency actor, undertaking multi-mandated operations in which coherence between diplomatic, military and humanitarian efforts is sought (see Appendix 2). This might have negative implications for the perceived impartiality of ECHO-funded humanitarian aid, and hence the EU's 'soft power'¹⁵ as humanitarian actor. This blurring would seem especially likely since the competencies of the various instruments involved in EU crisis response are not always clearly delineated, and often the new crisis management tools also include humanitarian tasks in their legal mandates.

2.1.3.3 Do the 'right' thing: EU approach to the relief-human rights nexus

Under Commissioner Emma Bonino (1995-1999), ECHO began to take an interest in human rights, despite the supposedly apolitical nature of EU humanitarian assistance. A 1999 discussion paper 'Towards a Human Rights Approach to European Commission Humanitarian Aid?' argued in favour of mainstreaming human rights concerns into ECHO-funded humanitarian activities. It seemed to acknowledge that access to those in need should no longer be the overriding objective. "From a rights perspective, access to victims is not an end in itself and will not, therefore, be pursued at any costs." Access will be sought only "if it is the most effective way to contribute to the human rights situation" (ECHO 1999). A substantial number of ECHO's NGO partners were opposed to the idea of ECHO acquiring a role in monitoring human rights (Mowjee and Macrae 2002: 5). The large-scale 1999 evaluation of EU humanitarian aid also argued that an emphasis on human rights could lead to tensions with regard to ECHO's core task of saving lives, and recommended that ECHO should avoid involvement in human rights advocacy (Franklin Advisory Services 1999). This position was endorsed by the European Parliament (European Parliament 2000: 7 and 14).

In its 1999 Communication on the future of humanitarian aid, the Commission announced its intention to launch a debate on the question "[h]ow to ensure that humanitarian operations are planned and carried out in such a way as to ensure as much as possible the protection of people's basic human rights". The Commission insisted, however, that this "does not at all imply that respect for human rights is a condition for provision of humanitarian assistance" (European Commission 1999: 20).

The 2001 Commission Communication on 'The European Union's Role in promoting Human Rights and Democratisation in Third Countries' recognized that ECHO humanitarian aid is "provided to all victims of crises, unconditionally, impartially and independently of political convictions" and "is not subject to recipient countries' human rights records". Hence, EU human rights operations are to be funded by instruments other than ECHO¹⁶. However, the Communication continued that ECHO "has an obligation to ensure that humanitarian activities themselves respect and contribute to the protection of the human rights of the victims of armed conflicts" (European Commission 2001c: 12). ECHO has sought to act upon this obligation by funding humanitarian protection operations¹⁷, and by encouraging

¹⁵ While 'hard power' is based on military and economic resources, 'soft power' according to Joseph Nye, is an indirect way of exerting power by which an international actor succeeds in achieving its desired goals with regard to world politics because others admire the values this actor represents and are willing to voluntarily follow its example (Nye 2004).

¹⁶ The European Initiative for Democracy and Human Rights is an EU programme that specifically aims to promote and support human rights and democracy in third countries.

¹⁷ Humanitarian response generally entails assistance (aid to crisis-affected populations seeking to save lives and alleviate suffering) and protection (the effort to protect the fundamental well-being of individuals caught up in

coordination between humanitarian and human rights operations. ECHO shares information on human rights issues with DG External Relations, and may ask the latter to take up matters at a political level (Mowjee and Macrae 2002: 9).

Mainstreaming human rights considerations was one of the cross-cutting priorities in ECHO's 2001 Aid Strategy, which stated that humanitarian operations would at a minimum aim not to undermine and at best attempt to strengthen respect for beneficiaries' human rights. ECHO announced its intention to check whether partner organizations' project proposals considered the human rights situation in the field, and if and how the project would have an impact on human rights (European Commission 2001c: 12). However, it is unclear how ECHO systematically monitors partners' compliance with this undertaking. Currently, this tends to depend largely on the commitment and time of individual ECHO field experts (Mowjee and Macrae 2002: 9).

While the draft Framework Partnership Agreement – the contract ECHO concludes with implementing humanitarian agencies – referred to human rights in its preamble, the version which was officially accepted in 2003 insists upon the respect for international humanitarian law, but human rights are not mentioned. In recent ECHO Aid Strategies references to human rights mainstreaming are entirely absent. In addition, for the 2007-2013 Financial Perspectives, the Commission has successfully lobbied for the creation of a Human Rights and Democracy Instrument specifically designed for human rights protection in crises and strictly separated from the Humanitarian Aid Instrument (see Appendix 1). This seems to indicate that the Commission is serious about its commitment to human rights promotion, while at the same time reluctant to apply human rights conditionality to ECHO relief.

Overall, with regard to horizontal coherence, it seems that in the course of the last decade of the twentieth century the EU has experimented with the closer integration of humanitarian aid in development, crisis management, and human rights policy. Yet, from 1999 onwards the need to separate humanitarian aid from other dimensions of EU crisis response has been increasingly emphasized. The question now arises whether this separation at the policy level is also reflected in the institutional design.

2.2 Institutional coherence

The emergence of more integrated forms of crisis response also led to many donors setting up more integrated organizational structures. At the EU level, the recognition of humanitarian assistance as a distinct policy following a different logic than the one underlying development cooperation, security policy, or human rights promotion is also manifested at the institutional level. The humanitarian aid department is institutionally separated from services dealing with foreign policy or development, and separate funding arrangements further underscore the independence of EU relief. While humanitarian aid is managed by a relatively autonomous office, the traditional humanitarian organizations (UN, NGOs, Red Cross) sponsored by ECHO do no longer have a monopoly on responding to crisis situations. Military and paramilitary (such as civil protection and police) forces resorting under the responsibility of the Council are taking an increasingly prominent role. At the same time, growing recognition

conflicts). Historically, human rights NGOs and refugee councils have always been involved in protection. The interest of *humanitarian* actors in protection issues developed in the mid-1990s, after they were faced with a crisis of protection in amongst others the Balkans and Central Africa where the focus on providing aid in the absence of action to maintain security gave rise to the phenomenon of 'the well-fed dead' (Schenkenberg van Mierop 2004).

of the longevity of many crises has led to the engagement of the Commission's development services in countries affected by protracted emergencies. The following section explores how these various EU institutional entities interact in reacting to crises.

2.2.1 Institutional coherence Council – Commission

Do tensions arise between the Commission's humanitarian office ECHO and the Council bodies in charge of the Common Foreign and Security Policy and the European Security and Defence Policy? Coherence problems might arise in Brussels as well as in the field.

Relation Commission – Council at headquarters

Humanitarian aid is a Community (pillar 1) competence, and pillar 2 instructions on how the Commission should dispense humanitarian aid are not allowed¹⁸. However, the Council bodies which set the agenda for EU foreign policy¹⁹ sometimes take decisions which might overlap with Commission-managed areas of crisis response. The main bone of contention between Commission and Council actors involved in crisis response is civilian crisis management, since ambiguities continue to exist as to whether responsibility rests with the Commission or with CFSP bodies. With regard to humanitarian aid, there seems to be less ambiguity. Let us give two examples.

The Political and Security Committee (commonly known as COPS), made up of ambassadorial representatives of the member states, makes proposals to the Council on overall EU strategy in a given crisis. It is expected to provide political control and strategic direction to crisis management operations, whether civilian or military. The Commission is also represented at COPS meetings by a member of its Crisis Management Unit²⁰. ECHO does not attend. Reportedly, it is reluctant to be seen as part of any Council structure, as this would jeopardise its neutrality (VOICE 2004: 7).

The Civilian Crisis Management Committee (CIVCOM), comprising representatives from member states, draws up recommendations for the COPS on the various civil aspects of crisis management, i.e. policing, strengthening the rule of law, strengthening civilian administration and civil protection. These are all areas where the Commission has a long tradition of fulfilling executive tasks. The Commission has been trying to position itself *vis-à-vis* CIVCOM, asserting that civil protection is part of pillar 1, where it has exclusive right of initiative. In line with ECHO's insistence that humanitarian aid is not meant as a crisis management tool, relief has not been identified as a priority area for CIVCOM (Mowjee and Macrae 2002: 7).

Relation ECHO-sponsored humanitarian workers – EU military forces in the field

Of the military's possible humanitarian roles – creating a secure environment for humanitarians to operate in, supporting humanitarian agencies' work with logistical and protection services, or providing direct assistance to populations parallel with humanitarian groups – the comparative advantage of military forces would seem to lie in assuring security of aid workers and recipients. However, Western armed forces have increasingly focused on

¹⁸ Member states do of course continue to exercise control over the Commission's execution of EU humanitarian aid policy via comitology.

¹⁹ In December 2000, the Nice Treaty created permanent structures within the Secretariat General of the Council to address CFSP issues.

²⁰ Under Prodi, a Unit for Conflict Prevention and Crisis Management was set up within DG External Relations. It is charged with the coordination of the Commission's conflict prevention work (notably via the RRM) with CFSP.

the direct provision of humanitarian assistance (Minear 2002: 9-10). Participation in humanitarian operations is seen as important to morale. A well-publicized focus on the humanitarian component of an intervention provides a key means of legitimizing a foreign military presence in the affected country. Distributing humanitarian aid can help to win the hearts and minds of the local population, or can serve as an instrument for intelligence gathering (Barry and Jefferys 2002: 6-7)²¹.

Tensions have emerged where international military forces have engaged directly in humanitarian aid provision, while most humanitarian agencies feel strongly that core humanitarian activities need to remain a civilian responsibility (Slim 2001: 11). The military tends to have a different interpretation of impartiality which is understood as adherence to a peace agreement²², while to humanitarians it means giving relief solely on the basis of need. According to De Torrenté (2004: 5), “conditionality and selectivity of aid are most pronounced in cases of external intervention, when armed force is used by Western powers [...] against one of the parties to a conflict”. Apart from the discussion on principles, doubts have been voiced about the ability of the military to efficiently deliver quality humanitarian assistance while at the same time enforcing peace or fighting a war. Aid delivered by the military can, for instance, be unsustainable with project horizons set not by the persistence of need, but by deployment patterns. Military-delivered aid can also be inappropriate for target populations. Military forces are trained and equipped to provide medical care and facilities to a predominately male, adult, healthy population, yet 80% of refugees are women and children (Barry and Jefferys 2002: 13-14). Even when military forces do not provide humanitarian aid directly, difficulties pop up for humanitarian actors operating alongside an international military intervention force. If humanitarian staff is being protected by international forces, working with them on the logistics of relief provision or socializing with them, this can lead to over-identification of the humanitarians with the intervention force in the eyes of the local population, and as such undermine humanitarian workers’ impartiality and hence their safety and freedom of movement.

At the 1992 Ministerial Council of the Western European Union (WEU) held at the Petersberg hotel, WEU member states declared their readiness to make military units available from their armed forces to the WEU for the following tasks: humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking. The idea was for the WEU to become the Union’s defence arm. In practice, the EU never resorted to the WEU for carrying out the so-called Petersberg tasks. In the 1998 Saint-Malo Declaration, the UK and France agreed that the EU must have the capacity for credible autonomous military action. This triggered the launch of a European Security and Defence Policy, and the process of integrating WEU tasks into the EU. The competence of the second pillar in humanitarian matters and crisis management was confirmed in 1999 with the inclusion of the abovementioned Petersberg tasks in Article 17 of the Treaty on European Union. As such, EU military forces were given the opportunity to position themselves as new actors in administering humanitarian relief, possibly in conjunction with military operations. While not categorically rejecting the use of military assets in humanitarian aid operations, the

²¹ The following serves as an example of instrumentalization of humanitarian aid by the military. A leaflet distributed by the US military in Afghanistan pictured an Afghan girl carrying a bag of wheat and read: “Pass on information related to Taliban, Al Qaeda and Gulbaddin to the coalition forces in order to have a continuation in the provision of humanitarian aid.” (De Torrenté 2004: 6; Minear 2004: 54)

²² A UN report on peacekeeping missions put it as follows: “Where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity.” (Brahimi 2000)

EU supports the 1994 UN Oslo I Guidelines on the use of Military and Civil Defence Assets in Disaster Relief and the 2003 Oslo II Guidelines on the use of Military and Civil Defence Assets in Humanitarian, which indicate that military involvement in humanitarian action ought to be a last resort and that civilian organizations should take the lead in the provision of relief.

EU CIMIC (civil-military cooperation) was designed to facilitate relations between the military and civilian relief actors in crisis response, with regard to coordination of planning, communication, information exchange, separation of mandates, and passing on of responsibilities. The June 2002 EU CIMIC Conference was the first time civilian and military actors were brought together for an open dialogue on the delineation of their respective functions in crisis situations. While civilian humanitarian workers were positive about the 2002 meeting, the second EU CIMIC Conference (June 2003) was considered less successful. Humanitarians had the impression that many of the EU member states' military staff consider the incorporation of humanitarian aid in the overall politico-military enterprise in order to win hearts and minds as almost synonymous with CIMIC (VOICE 2004: 7; Matthiessen 2004).²³

In 2005 an EU Civilian-Military Planning Cell was created to achieve greater coherence between the civilian and military instruments at the EU's disposal in responding to crises. The Cell is placed under the responsibility of the High Representative for the CFSP. The Commission has appointed two liaison officers to the Cell, one bringing expertise in humanitarian aid and disaster response and the other with a background in longer-term assistance. They have to promote coherence between Community and CFSP measures, identify practical arrangements for the use of military assets in support of civilian Community programmes, and ensure that the preservation of the humanitarian space²⁴ in crisis response operations is taken into account (European Commission 2005: 9).

ECHO's humanitarian NGO partners were relatively satisfied with their first experience in cooperating with EU military actors during operation Artemis in the Democratic Republic of Congo from June to September 2003. It was considered "successful both in terms of the stabilisation mission and of cooperation with the EU's civilian humanitarian actors already present in the area" (VOICE 2004: 7). Prior to the operation, consultation between ECHO and the military took place in order to make sure that humanitarian principles and space were preserved. ECHO urged military personnel to concentrate on the protection of civilians, rather than the direct distribution of humanitarian aid (Interview ECHO 20/09/2005).

Even if EU troops so far have not engaged in the direct delivery of humanitarian assistance, people in recipient countries might find it difficult to distinguish between the actions and mandates of the various bodies. The support of humanitarian interventions by military forces can be helpful in remote places, or when speed and security are paramount. But how can a recipient population trust that EU military forces will keep to supporting civilian-led humanitarian action if the same soldiers are also allowed to embark on peace enforcement

²³ It has been impossible so far to obtain more recent information. Perhaps no further CIMIC meetings took place. Even if they did, they apparently went unnoticed, which might be an indication that few new developments have occurred.

²⁴ Humanitarian space can be defined as a conducive operating environment for humanitarian aid workers where there is room for humanitarian assistance and protection in the midst of conflict. The preservation of humanitarian space, amongst others, rests upon maintaining a clear distinction between the function of humanitarian actors from that of the military.

activities? And how can the local population distinguish between ECHO-sponsored humanitarian workers and EU military personnel working under the same European flag?

2.2.2 Institutional coherence within the Commission

In addition to institutional friction between the Council and the Commission, turf fights within the Commission may arise. While DG ECHO is explicitly charged with the implementation of EU humanitarian aid policy, four other Directorates-General deal with activities that might have an impact on humanitarian assistance, i.e. DG Development, DG EuropeAid, DG External Relations (Relex), and DG Environment (see Appendix 3).

DG ECHO and development departments

In recent years, some donors have incorporated the previously separate relief and development divisions into a single wing. Yet, this approach is not uncontested. The European Commission is one example of a deliberate retrenching of the compartmentalization of relief and development. Humanitarian aid and development issues are dealt with in different departments, following different procedures and relying upon different budget sources. Humanitarian operations are managed by DG ECHO. Long-term development cooperation strategy is set out by DG Development (for ACP countries) and by DG Relex (for non-ACP countries). EuropeAid is responsible for day-to-day implementation of development programmes.

In 1999, ECHO was placed under the responsibility of the Commissioner for Development. The stated goal was to establish greater coherence between Commission structures tasked with development and humanitarian response (ICG 2001: 23). According to Holland (2002: 102), the incorporation of ECHO under the Commissioner for Development made an end to the “false dichotomy between emergency humanitarian aid and long-term development”. However, the combination of humanitarian assistance and development under the same Commissioner was not necessarily a move to ‘developmentalize’ humanitarian assistance. Then Commissioner Poul Nielson as well as some member states wished that ECHO’s interventions would be confined to the acute phase of emergencies, and that other Commission departments would cover the grey zone. The rationale for maintaining ECHO as an autonomous entity goes as follows. The requirements of humanitarian aid are qualitatively and procedurally different from the more enduring policy perspective demanded by development. The very nature of humanitarian assistance brings with it that ECHO has to operate in a less predictable context, with greater fluctuations in budget or in type of assistance required, giving rise to the need for administrative flexibility and rapid decision-making²⁵. In addition, the institutional separation is useful in protecting the neutral character of humanitarian aid.

While understandable from the perspective of safeguarding ECHO’s speed and impartiality, this compartmentalization might hinder coherence in EU aid strategies. There are no procedures in place which allow for the joint analysis of crisis situations or joint preparation of aid strategies. ECHO’s proposals are sent to DG Development and DG Relex. As such the development side of the Commission gets an idea of what is being done through the EU’s humanitarian operations. However, according to one desk officer, this type of *ex post* information sharing is inadequate, because at the moment the consultation takes place ECHO aid is already programmed and adaptations are no longer possible. While exceptions exist, the

²⁵ This explains, for example, why ECHO can take decisions on aid allocations within 24 to 48 hours after the outbreak of a disaster, while on average it takes DG Relex or DG Development 6 months to decide on a long-term aid project.

Commission's development officials do not systematically consult counterparts in ECHO on development programmes for countries in which ECHO is active (Mowjee 2004: 9; Interview DG Development 23/11/2006).

DG ECHO and DG External Relations

ECHO has proved quite successful in insulating itself from interference by the Commission's foreign affairs service (Brusset and Tiberghien 2002: 56). This is especially remarkable considering the way in which DG Relex has been giving a political slant to EuropeAid (ICG 2001: 23). At its creation in 1992, ECHO was placed under the joint responsibility of the two Commissioners for External Relations and the Commissioner for Cooperation and Development. In 1993, ECHO became part of the portfolio of the Cooperation and Development Commissioner only, limiting the potential for explicit instructions from DG Relex on EU humanitarian aid policy. In 1995, a separate Commissioner for Humanitarian Aid, distinct from both foreign and development policy, was appointed. Since 1999, ECHO again falls under the Development Commissioner, but it has remained outside the Relex Commissioner's remit.

DG ECHO and DG Environment

Many European countries have highly developed semi-military capabilities, involving their police and national rescue forces, which are used in domestic disasters. The Commission invested in a coordinating platform for these emergency response instruments, but decided not to use ECHO. In 2001 a Civil Protection Mechanism was established within DG Environment "to facilitate reinforced cooperation between the Community and the Member States in civil protection assistance interventions" in the event of major emergencies²⁶. Civil protection typically includes search and rescue, evacuation, fire fighting, medical expertise and equipment, field hospitals, and detection and decontamination in case of nuclear, bacteriological, or chemical incidents (European Commission 2004: 12).

The Civil Protection Mechanism can respond to both requests for intervention within and outside the Union. The Council also envisaged the possible use of the Civil Protection Mechanism as a "tool for facilitating and supporting crisis management referred to in Title V (Common Foreign and Security Policy) of the Treaty on European Union"²⁷. Since the Civil Protection Mechanism can contribute to the Union's overall crisis response in third countries under the CFSP, and since its mandate includes short-term relief, potential overlap exists with the humanitarian activities managed by ECHO. Although both civil protection and humanitarian aid aim at remedying human suffering, substantial differences emerge. ECHO focuses on providing apolitical relief based on the needs of beneficiaries, particularly in developing countries, through professional aid agencies from the UN, the Red Cross, and the NGO family. The Civil Protection Mechanism is based on the member states' nationally-organized structures, established mainly to tackle internal emergencies, and is not guided by the principles of impartiality, neutrality, and independence. ECHO's humanitarian assistance is directly provided to people in distress regardless of any request from the affected country.

²⁶ Council Decision 2001/792 (EC-Euratom) of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions. Official Journal L 297, 15/11/2001, pp. 7-11. When hit by a major disaster, EU member states or third countries can send a request for assistance to a Monitoring and Information Centre in DG Environment. This appeal is immediately forwarded to all countries participating in the Civil Protection Mechanism. The country affected by a disaster thus gets access to a one-stop-shop of specialized civil protection personnel and resources.

²⁷ Council Decision 2001/792 (EC-Euratom) of 23 October 2001. So far the Civil Protection Mechanism has not been used in this context, and the focus has been on assisting in the event of natural disasters such as floods, earthquakes and forest fires in EU member states and third countries.

The use of the Civil Protection Mechanism outside the EU is based on a call for help from the third country hit by an emergency.

In 2003, a memorandum of understanding between DG ECHO and DG Environment was signed to reinforce the synergies between civil protection activities and humanitarian interventions in third countries. Yet, a 2005 evaluation considered the memorandum insufficient to ensure exchange of information and coherence between the two DGs' activities (TEEC 2005: 34-39). In its 2006 report on the post-tsunami EU crisis response, the European Court of Auditors (2006: 10 and 21) similarly noted that civil protection was insufficiently coordinated with humanitarian aid. A 2006 comprehensive evaluation of EU humanitarian activity confirmed that "[t]he internal rivalry between the Commission's services, Directorates-General ENV and DG ECHO, in emergency crises is confusing. [...] Despite a signed Memorandum of Understanding, both DGs are not fully communicating with each other". The proposed solution is to make civil protection actions outside the EU the responsibility of DG ECHO (Daldrup et al. 2006: 20-21).

ECHO field offices and European Commission Delegations

The institutional divisions existing at Commission headquarters in Brussels are replicated at the field level. ECHO has established a network of field offices staffed by independent experts and local staff which operate autonomously from Commission Delegations. ECHO follows a policy of self-representation as a neutral and self-contained part of the Commission. It is argued that this is necessary to ensure the security of humanitarian personnel in the field. Yet, the 2006 ECHO evaluation questions whether maintaining this separation in order to protect ECHO's independence and neutrality is worthwhile given the losses in terms of coherence between the various Commission entities. After all, "[i]n practice neither local authorities, warring parties nor beneficiaries, are likely to be able to discriminate between the EC's services" (Daldrup et al. 2006: 21).

Attempts to improve institutional consistency within the Commission

Some institutional devices have been set up within the Commission, which should allow for the formulation of more holistic crisis response strategies, while maintaining the specific character of each type of action and the specific mandate of every actor involved.

The RELEX family was set up in 1995 to assure coherence on horizontal questions across the area of external relations. It operates as an inter-service consultation mechanism, with civil servants from the DGs External Relations, Development, EuropeAid, ECHO, Enlargement, and Trade producing briefings on policy issues of interest to more than one DG.

Since 2000, Country Strategy Papers (CSP) are the main tool used to program EU external assistance. Currently, CSPs contain a paragraph on coherence between the proposed development cooperation strategy and other dimensions of EU external action. The linkage of humanitarian assistance and development in particular is to be an integral part of CSPs in countries where crisis or the potential for it exists, especially if ECHO is present in the country in question. The Interservice Quality Support Group, consisting of representatives from the external relations DGs, has been assigned with the task of ensuring that the issue of coherence is comprehensively dealt with in programming documents such as the CSPs. Yet, in general, CSPs make no more than a nominal reference to coherence and LRRD, and offer little concrete guidance on how best to link the various EU activities.

2.3 Vertical coherence

It would seem that national priorities and the preference for national visibility are more important issues in international humanitarian aid than an effective and coordinated assistance of the EU as a whole. (Daldrup et al. 2006: 15)

In the EU there are 27+1 distinctive humanitarian aid policies and bodies. When the European Court of Auditors (1997: 9) in 1997 examined the relationship between ECHO and member states, it concluded: “Both the complementarity and the coordination of the Union’s aid measures and those of its member states far from satisfy the provisions of the Treaty and the Council’s resolutions”. The 1999 evaluation of EU humanitarian aid advocated “creating a greater sense of community in EU humanitarian aid between Member States and the Commission” (European Commission 1999: 16). The 2006 evaluation team, which was explicitly asked by EU member states to review the application in the humanitarian aid domain of the Maastricht criteria of coherence, complementarity, and coordination (the so-called 3 Cs of EU development aid), confirmed the lack of vertical coherence among the 28 European humanitarian aid donors. “There are no common actions, no common procedures and no common visibility. Most countries act without reference to the other players.” (Daldrup et al. 2006: 15)

Collectively, Europe (EU member states and the Commission) is the largest provider of humanitarian assistance, contributing 44% of the total in 2005 (Development Initiatives 2006: 18-19). Yet, this financial weight is not necessarily reflected by its impact on international humanitarian action due to the fragmented character of European humanitarian aid²⁸. In addition, vertical incoherence is to the detriment of the efficiency of the overall European humanitarian aid effort, which is now sometimes characterized by duplication of efforts and hence waste of scarce humanitarian resources, or by gaps in the coverage of humanitarian needs (Daldrup et al. 2006: 15). The following section examines whether there are mechanisms available to further policy convergence in European humanitarian aid.

Imposition by the Commission?

The Council granted the Commission the authority to take initiatives to coordinate Commission and member states’ humanitarian aid policies. Article 10 of the Humanitarian Aid Council Regulation states: “In order to guarantee and enhance the effectiveness and consistency of Community and national humanitarian aid systems, the Commission may take any measure necessary to promote close coordination between its own activities and those of the Member States, both at decision-making level and on the ground. To that end, the Member States and the Commission shall operate a system for exchange of information.” ECHO has set up a system of information exchange on humanitarian aid spending (the so-called Holis 14 point system), and has at various occasions convened coordination meetings in Brussels, such as the one held in March 2006 in an attempt to streamline responses to the Pakistan earthquake. These initiatives nonetheless remain partial, and are not generalized to all humanitarian crises or all policy issues (Daldrup et al. 2006: 15). It need not come as a surprise that the Commission has not been able to exercise genuine leadership in coordinating European donors’ humanitarian efforts. Charging the Commission with the task of stepping

²⁸ For instance, Europe as a whole is the largest donor to the UN humanitarian aid system. Because, however, this European contribution is split into individual grants (27 EU member states plus ECHO) Europe’s influence on large UN agencies is smaller compared to for instance that of the US. The same observation can be made with regard to Europe’s potential collective weight on the International Committee of the Red Cross.

up information exchange among European donors is nothing near the equivalent of a real mandate for ECHO to coordinate member states' bilateral humanitarian actions.

European 'hard' or 'soft' harmonization?

Policy convergence cannot occur as a result of a legal obligation. EU member states have not concluded any formal agreement on systematic procedures to harmonize their humanitarian aid programmes. A general trend can be observed towards the promotion of flexible instruments rather than EU law to advance integration. Yet, the Commission so far has not been able to encourage convergence of humanitarian policies through non-binding instruments. EU member states have reacted reluctantly to any form of EU-driven soft regulation, similar to for instance the open coordination method used in social policy (Interview ECHO 20/09/2005).

Expert networking?

When interactions take place among a transnational elite "bound by knowledge and expertise of a common policy problem and a shared concern for its resolution" and operating "above the fray of domestic politics", a consensus might crystallize at the transnational level on the best way to tackle a problem. When participants of the transnational community provide decision-makers in different countries with similar advice, cross-national policy convergence can occur (Bennett 1991: 224-225). The Humanitarian Aid Committee, the comitology meeting dealing with EU humanitarian aid policy, is the only venue which brings together the 27 EU member states and the Commission. As such, the HAC might allow for policy convergence via joint problem-solving within a transnational community. Yet, the HAC mainly has a controlling function over ECHO activities. Formal HACs deal with ECHO's draft funding decisions, and only rarely serve as a platform for deliberation on European-wide humanitarian aid issues (Daldrup et al. 2006: 7 and 15). Informal HACs deal with the broader content of European humanitarian aid policy, and as such offer greater scope for policy convergence through expert networking. However, they are organized only twice a year.

2.4 Multilateral coherence

Donors' hesitance to streamline their humanitarian activities is not limited to the European level. Lack of inter-donor coherence has been identified as one of the main shortcomings of international humanitarian response (Macrae et al. 2002: 33). Diverging domestic politics and national interests have a negative effect on inter-donor coherence. Another complicating factor is differences in assessment among donors, for example on whether a situation is an emergency, on which are the causes of the crisis, etc. Competition for influence and visibility is an often-cited reason for feeble consistency in donors' humanitarian responses. Media coverage tends to concentrate on donors' individual interventions, as such spurring rivalry over profile and providing a disincentive for improved international donor coordination.

Formal forums bringing together donor countries, such as the Humanitarian Liaison Working Group in New York and Geneva or the UN Economic and Social Council, have attracted widespread criticism. Their size, the inclusion of countries that are not major donors, and the fact that those attending often lack experience in humanitarian issues are some of the problems identified (Macrae and Leader 2000: 38). While explicit strategies or globally accepted binding mechanisms at both the headquarters and field level to make progress in inter-donor coherence are absent, some voluntary initiatives have nevertheless been taken to try to improve consistency of humanitarian donors' actions.

'Friends of' groups and Brookings process

One important informal way in which donors are seeking to enhance consistency is through 'friends of' groups, which bring interested donors together on a regular basis to discuss key issues of concern to a particular humanitarian organization. The UN Office for the Coordination of Humanitarian Affairs, the UN Children's Fund, the UN High Commissioner for Refugees, and the International Committee for the Red Cross have such groups. 'Friends of' approaches for a specific country bring together major donors in an effort to coordinate their actions in the crisis zone in question.

While the emergence of such 'friends of' groups indicates that donors are interested in at least the minimal coordination activity of sharing information, it is not clear whether these groups really have an impact on donor behaviour. According to Macrae et al. (2002: 44), "the primary strength of these groups appears to be as a forum for briefing and the exchange of ideas, rather than as a mechanism for coordination in terms of joint responses, resource allocation, shared policies and consistently complementary practices from different donors". In addition, the existence of such informal consultation mechanisms consisting of a handful of donors might give the latter undue influence over the whole humanitarian enterprise.

Apart from 'friends of' groups, the Brookings process²⁹ started in January 1999 as an informal gathering of actors engaged in relief and development, with a view to finding practical ways of improving donor coordination, raise financial contributions for low-donor-interest crises, identify possible international mechanisms to bridge the gap between humanitarian and long-term development assistance in vulnerable post-conflict situations, and build 'coalitions of the willing' in the field embracing UN agencies, international financial institutions, major donors, recipient governments, and NGOs.³⁰

The European Commission (2001a: 11) has commented on insufficient donor coordination in (post)crisis situations, and recognized how this risks reducing the efficiency and impact of the assistance provided. The Commission considers both the 'friends of' approach and the Brookings process to be useful frameworks for the exchange of information and inter-donor coordination.

Good humanitarian donorship

In June 2003, 16 OECD-DAC (Development Assistance Committee of the Organization for Economic Cooperation and Development) donors gathered in Stockholm to establish guidelines for good donorship in the humanitarian arena. The endorsement of a code of conduct on Good Humanitarian Donorship (GHD) signals donors' political will to come to a consensus on what constitutes humanitarian aid and upon which principles it should rest. If all GHD donors were to consistently translate the agreed upon requirements in their national humanitarian aid policies, inter-donor coherence would improve considerably. However, the GHD initiative remains an entirely voluntary undertaking, and experience suggests that self-regulation is often insufficient to alter behaviour (Raynard 2000: 18). Only 6 donors have developed domestic action plans to implement GHD commitments³¹. Attempts to monitor

²⁹ This initiative is facilitated by the Brookings Institution, a non-profit Washington D.C.-based research institute.

³⁰ It is worth drawing attention to how the various dimensions of coherence are intertwined. As the 'grey zone' challenge is at the core of the Brookings initiative, better multilateral coherence can help in ensuring smoother linkages between relief and development (one dimension of horizontal coherence).

³¹ These are EU member states Denmark, Ireland, the Netherlands, Sweden and the UK, and non-EU donor Canada.

GHD application remain limited, and focused on formal acceptance rather than adherence in practice (Harmer et al. 2004: 6). Moreover, while the GHD process potentially can contribute to multilateral coherence since it is a multi-donor initiative, some caution is warranted as it is restricted to a small club of Western donors. Emerging donors from Central and Eastern Europe and from the South, providing approximately 6% of the global humanitarian budget (Development Initiatives 2006: 69), are not included in the GHD initiative.

UN Consolidated Appeals Process/ Common Humanitarian Action Plan

The United Nations Consolidated Appeals Process (CAP) is a tool meant to foster closer cooperation between host governments, donors, and non-governmental, UN and Red Cross humanitarian aid agencies working in crisis regions. Together, they produce a Common Humanitarian Action Plan (CHAP) which, amongst others, should provide a common assessment of needs, and an identification of roles and responsibilities, i.e. who does what where in a given crisis-affected country. The CHAP is the foundation for developing a Consolidated Appeal via which several humanitarian agencies jointly request funds for the same crisis.

While the CAP has potential as an instrument to enhance multilateral coherence, its shortcomings are well-known, not least the difficulty to provide a comprehensive assessment of needs and a prioritized programme of humanitarian response (Porter 2002). Some donors are of the opinion that the CAP results in an inflated ‘shopping list’ of humanitarian needs meant to ensure the survival of the participating humanitarian organizations as much as of crisis victims, rather than a genuinely strategic document for coherent humanitarian action (Kent 2004: 866). Most donors continue to channel a large part of their humanitarian aid allocations outside the CAP³². In addition to worries over the CAP’s quality, visibility concerns seem to play a role here as it is difficult for the UN to account for each donor’s contribution separately. The Commission has only recently begun to fund UN CAPs³³, and such contributions are still limited to a small percentage of ECHO’s total budget.

Common pooled humanitarian funds

A number of donors have advocated the establishment of common humanitarian funds which involves giving unearmarked money to be disbursed under the authority of the in-country UN humanitarian coordinator. Rather than individual donors and humanitarian organizations agreeing on individual projects or activities, pooled funding enables the humanitarian coordinator to allocate funds to priority sectors and to fill gaps in humanitarian coverage. This common humanitarian fund mechanism was piloted in Sudan and the DR Congo in 2006. Common humanitarian funds seem a promising development in terms of inter-donor coherence, yet ECHO does not participate.³⁴

If improvements in vertical coherence can be observed, they seem to be realized indirectly via other venues than the EU. Initiatives aimed at achieving multilateral coherence in an indirect way might be more effective in enhancing consistency among European humanitarian donors than efforts launched strictly within the context of the Union. It has been asserted that “[t]he

³² Funding outside the CAP means that financial flows go to activities that are not listed among the CAP priorities, or are carried out by humanitarian organizations that are not included in the CAP process.

³³ To give an example: In February 2006, the EU and the UN jointly launched a CHAP for the Democratic Republic of Congo. ECHO’s 2006 humanitarian aid Global Plan for Congo, worth €38 million on a total CHAP of €561 million, was an integral part of this multilateral humanitarian aid strategy. (European Commission, Press Release EC06-053EN, 13/02/2006)

³⁴ Participating donor governments are Belgium (DRC only), Canada (DRC only), Ireland (Sudan only), the Netherlands, Norway, Sweden, and the United Kingdom.

GHD agenda might provide a good basis on which to promote harmonization of humanitarian policy across the EU” (Macrae and Harmer 2004: 7). Both EU member states and the European Commission have been closely involved in the GHD initiative. ECHO has been playing an important role in promoting GHD among member states, in particular by making it a permanent fixture on the agenda of the Humanitarian Aid Committee (Willitts-King 2004: 19). As such, the Commission seems to have seized upon the GHD to indirectly promote intra-EU alignment of humanitarian action. In 2004, Ireland, as holder of the EU presidency, hosted a special informal HAC meeting, which provided an opportunity for the European humanitarian community to identify ways to take forward the GHD agenda, both individually and collectively. The Irish presidency commissioned a baseline study of GHD good practice among EU member states. In 2006, the Finnish presidency ordered an updated report for presentation at a second informal HAC on GHD progress (Willitts-King 2004/2006). Similarly, European humanitarian efforts can gain in consistency because of the presence of streamlining mechanisms at the UN level. ECHO, to the extent possible, adjusts its plans for humanitarian aid to UN Consolidated Appeals. If a member state also uses the CAP as guiding tool for its national humanitarian aid policy (as for instance the Netherlands, the UK, and the Scandinavian donors do) there is a good deal of harmony (E-mail exchange HAC representative 08/05/2006).

Conclusion

If *horizontal coherence* leads to the integration of humanitarian assistance into the toolbox of foreign policy and development cooperation, the humanitarian imperative might come under pressure. In a second reading, humanitarian, development and political actors sit together to agree on a common plan in the awareness that important gains can be made from cooperating. However, they will not necessarily pursue identical objectives, but instead concentrate on their complementary roles. At the EU level, coherence seems to be interpreted primarily in terms of coordination and complementarity. While stressing the importance of an integrated response to emergencies, the Commission has insisted that the distinct mandates of humanitarian, development, civil protection, and military instruments have to be preserved, and has explicitly emphasized that the desire for coherence should not jeopardize the operational conditions necessary to allow neutral, impartial and non-discriminatory delivery of humanitarian aid and access to disaster victims (European Commission 2005: 9).

Difficult choices have to be made in finding the right balance between helping human beings according to need only, and helping to build the conditions for sustainable peace and development. The constant search for a balance among humanitarian, foreign policy, and development objectives brings us to the dimension of *institutional consistency*. The decision not to subordinate humanitarian action to any other policy objectives is reflected in the institutional separation of ECHO humanitarian aid. The question remains to what extent such humanitarian isolation is advisable. The type of coherence understood in terms of coordination and complementarity can only be realized if proper institutional arrangements are in place which offer political, military, development, and strictly humanitarian entities the possibility to convene and agree on a division of labour on the basis of respective strengths. Despite some recent improvements, such procedures (joint *ex ante* planning and *ex post* evaluation, scenario building for EU crisis response, agreement on clear memoranda of understanding, etc.) are still largely missing.

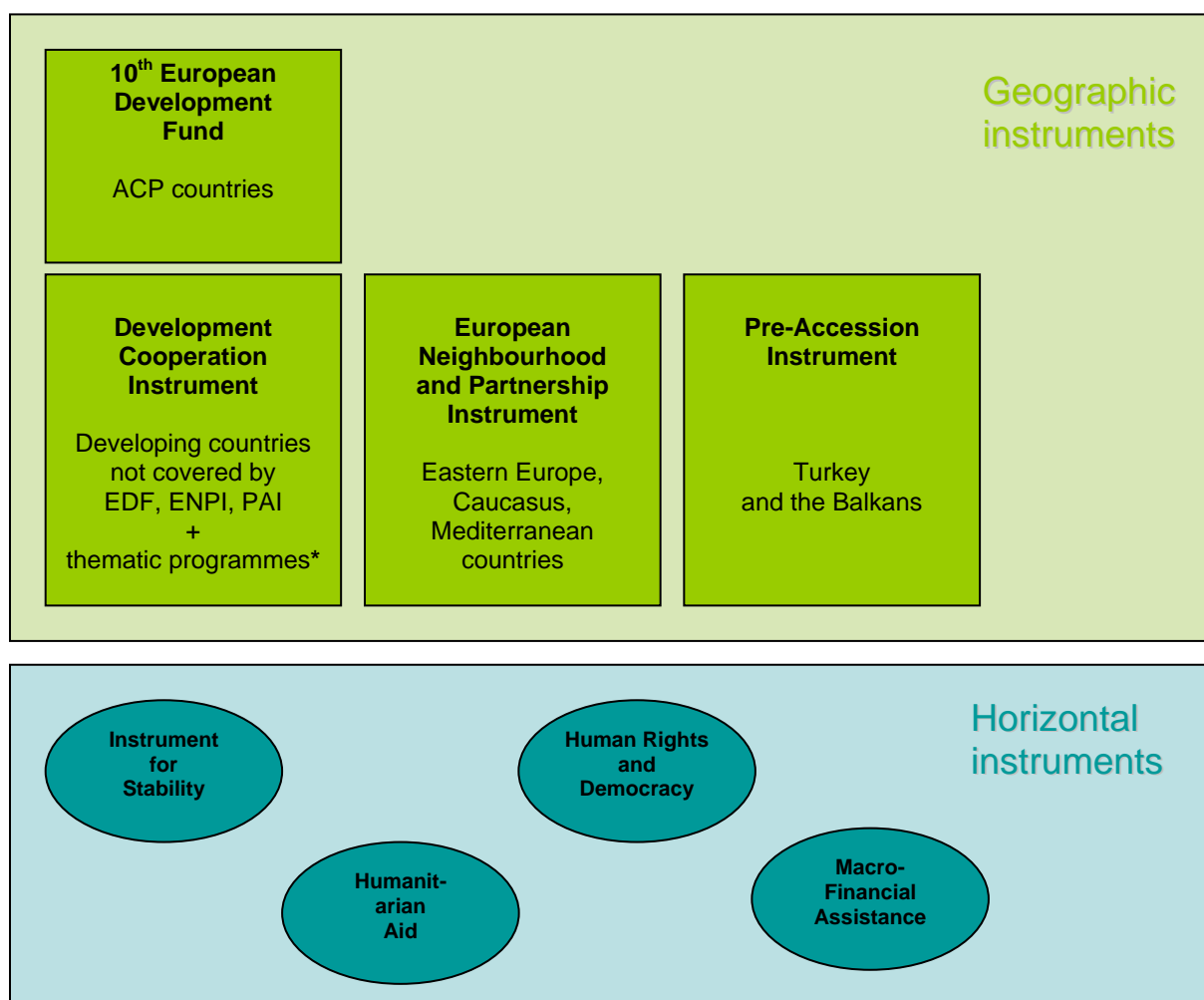
Vertical coherence is challenged due to the potential role overlap between the European Commission and EU member states, as well as overlap among member states’ humanitarian

programmes. If a common humanitarian policy creates added value in terms of coherence and lower transaction costs, one might wonder why EU member states are now running 27 parallel aid programmes. Some are in favour of denationalizing bilateral aid budgets, and centralizing them in the EU. Arguably, however, pouring all member states' humanitarian initiatives into the bigger EU pot might also remove some of European humanitarian aid's strength deriving from its diversity. Each national programme may have specific strengths, or bilateral aid programmes may be reinforced by the historical ties a member state has with the recipient country. Here again, rather than full vertical integration, an argument for coherence in terms of coordination and respective comparative advantage can be made. However, as was the case for horizontal coherence, the absence of more systematic and binding mechanisms hampers greater coordination of European humanitarian donors' policies.

The Commission seems to be aware of the need for more formal procedures for consultation among the diverse range of European actors involved in crisis response – pillar 1, pillar 2, EU, and national ones. It has stated: “When planning its disaster and crisis response the Commission would see great value in developing a common and authoritative analysis of the situation on the ground with Member States and the General Secretariat of the Council. This could then be used to make decisions as to the respective priorities for the Community, CFSP and bi-lateral assistance programmes.” (European Commission 2005: 9) A promising initiative might be DG Relex's Crisis Platform set up by the president of the European Commission in the aftermath of the 2004 tsunami. This platform should maximize the synergies and complementarities between the various Community instruments mobilized for crisis response, strengthen coordination between the Commission and the General Secretariat of the Council, and improve the circulation of information about Commission and member states' emergency response (European Commission 2005: 10).

The EU's record in improving *multilateral coherence* in humanitarian assistance seems mixed. The Commission actively participates in informal forums such as the 'friends of' groups and the Brookings process. When it comes to joining pooled funding arrangements such as Common Humanitarian Funds, however, concerns over visibility and control constitute a brake on the Commission's commitment to multilateral cooperation. Some member states (the UK, the Netherlands, and the Scandinavians) have been more outspoken in their support for international humanitarian coordination. In line with the conclusion drawn for horizontal and vertical coherence, for effective multilateral coherence – i.e. a complementary division of tasks among all humanitarian aid donors – to be accomplished, the institutional framework for inter-donor deliberation at the international level needs to be reinforced.

Appendix 1: Aid Instruments in the Financial Perspectives 2007-2013

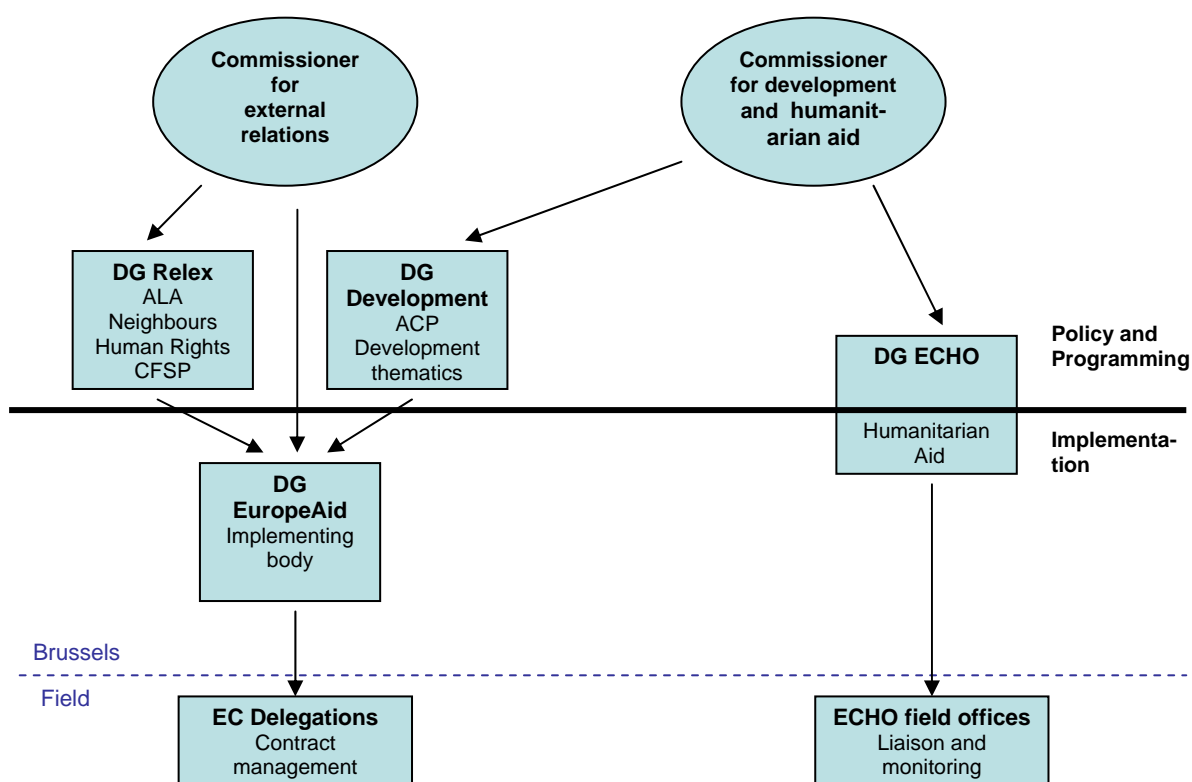


[* The following thematic programmes are included in the DCI legal basis (different from the horizontal instruments which have a specific legal basis): migration and asylum, human and social development, environment, food security, and non-state actors.]

Appendix 2: ESDP missions

Name and place of operation	Type and aim of operation	Phase in crisis management	ECHO operation ongoing at the time of the ESDP mission?	Dates
Concordia (Macedonia)	Military Operation (monitoring application of peace agreement)	Prevention	no	March-Dec. 2003
Proxima (Macedonia)	Police Training Mission	Prevention	no	2003-2005
Artemis (DR Congo)	Military Operation	Intervention/ stabilization	yes	June-Sept. 2003
EUFOR Althea (Bosnia)	Peacekeeping	Stabilization/ reconstruction	no	2004-...
Eujust Themis (Georgia)	Rule of Law Mission (administrative training)	Prevention	yes	2004-2005
EUPM (Bosnia)	Police Training	Reconstruction	no	Since 2003
EUPAT (Macedonia)	Police Training	Reconstruction	no	2005-2006
EUPOL COPPS (Palestinian Terr.)	Police Mission	Stabilization	yes	2005-...
EU BAM Rafah (Palestinian Terr.)	Border Surveillance	Stabilization	yes	2005-...
Eujust Lex (Iraq)	Rule of Law Mission (administrative, legal, police training)	Reconstruction	no	2005-2006
EUPOL Kinshasa (DR Congo)	Police Training	Reconstruction	yes	2005-...
EUSEC (DR Congo)	Armed Forces Training (security sector reform)		yes	2005-...
EU support to AMIS II (Darfur)	Civil-military support to the African Union	Stabilization	yes	2005
AMM (Aceh)	Election Surveillance Mission	Stabilization	yes	2005-...
EU BAM (Moldova- Ukraine)	Border Surveillance	Stabilization	no	2005-2007

Appendix 3: European Commission institutional set-up for external aid



References

- ActionAid (2003), Improving European Development Cooperation: The Link Between Relief, Rehabilitation and Development, <http://www.ngovoice.org/publications&materials/LRRDdownload/ActionAid%20PolicyPaperLRRD%20Final.doc>
- Alan Shawn Feinstein International Famine Center (2004), 'Background Note: The Relevance of Humanitarian Principles', Informal Meeting of the HAC, Dublin, 25-26 March 2004, http://hwproject.tufts.edu/pdf/dublin_final.pdf.
- Anderson, Kenneth (2004), 'Humanitarian Inviolability in Crisis: The Meaning of Impartiality and Neutrality for U.N. and NGO Agencies Following the 2003-2004 Afghanistan and Iraq Conflicts', *Harvard Human Rights Journal*, Vol. 17, pp. 41-75.
- Anderson, Mary B. (1999), *Do No Harm: How Aid Can Support Peace—Or War*, Boulder CO: Lynne Rienner.
- Barry, Jane and Anna Jefferys (2002), *A Bridge too far: aid agencies and the military in humanitarian response*, London: Overseas Development Institute.
- Bennett, Colin J. (1991), 'What is Policy Convergence and What Causes It?', *British Journal of Political Science*, Vol. 21 (2), pp. 215-233.
- Brahimi, Lakhdar (2000), Report of the Panel of Experts on United Nations Peace Keeping Operations, A/55/305-S/2000/809, New York: United Nations.
- Bretherton, Charlotte and John Vogler (2006), 'The EU as a development and humanitarian actor', in Charlotte Bretherton and John Vogler (eds.), *The European Union as a Global Actor. Second Edition*, London: Routledge, pp. 111-137.
- Brusset, Emery and Christine Tiberghien (2002), 'Trends and risks in EU humanitarian action', in Joanna Macrae (ed.), *The new humanitarianisms: a review of trends in global humanitarian action*, London: Overseas Development Institute, pp. 51-62.
- Bryer, David (2003), 'Politics and Humanitarianism. Coherence in crisis?', Geneva: Henry Dunant Centre for Humanitarian Dialogue.
- Curtis, Devon (2001), *Politics and Humanitarian Aid: Debates, Dilemmas and Dissension*, London: Overseas Development Institute.
- Christiansen, Thomas and Sophie Vanhoonacker (2006), 'At a Critical Juncture? Present and Future Challenges Facing the Council Secretariat', Paper prepared for the Connex Thematic Conference 'Towards a European Administrative Space', London, 16-18 November 2006, http://www.arena.uio.no/events/LondonPapers06/CHRISTIANSEN_VANHOONACKER.pdf.
- Daldrup, Ulrich, François Grünewald, Hanja R.H. Maij Weggen, and Graham White (2006), *Evaluation of the European Commission's Directorate General for Humanitarian Aid (DG ECHO) 2000-2005*, Aachen: GFE Consulting Worldwide.
- De Torrenté, Nicolas (2004), 'Humanitarianism Sacrificed: Integration's False Promise', *Ethics & International Affairs*, Vol.18 (2), pp. 3-12.
- Development Initiatives (2006), *Global Humanitarian Assistance 2006*, Evercreech: Development Initiatives.
- Duffield, Mark (2001), 'Governing the Borderlands: Decoding the Power of Aid', *Disasters*, Vol. 25 (4), pp. 308-320.
- ECHO (1999), *Towards a Human Rights Approach to European Commission Humanitarian Aid?*, Brussels: European Commission.
- ECHO (2006), *Financial Report 2006*, Brussels: European Commission.
- Eriksson, John et al. (1996), *The International Response to Conflict and Genocide : Lessons from the Rwanda Experience. Synthesis Report*, Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda.
- European Commission (1996), Communication from the Commission to the Council and the European Parliament 'Linking Relief, Rehabilitation and Development', COM (1996) 153 final.
- European Commission (1999), Communication from the Commission to the Council and the European Parliament 'Assessment and future of Community humanitarian activities' (Article 20 of Council Regulation (EC) No 1257/96), COM (1999) 468 final.
- European Commission (2001a), Communication from the Commission to the Council and the European Parliament 'Linking Relief, Rehabilitation and Development – An assessment', COM (2001) 153 final.
- European Commission (2001b), Communication from the Commission 'Conflict Prevention', COM (2001) 211 final.

- European Commission (2001c), Communication from the Commission to the Council and the European Parliament 'The European Union's Role in promoting Human Rights and Democratisation in Third Countries', COM (2001) 252 final.
- European Commission (2003), *Civilian instruments for EU crisis management*, Brussels: European Commission Conflict Prevention and Crisis Management Unit, http://ec.europa.eu/external_relations/cfsp/doc/cm03.pdf.
- European Commission (2004), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Reinforcing the Civil Protection Capacity of the European Union', COM (2004) 200 final.
- European Commission (2005), Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions 'Reinforcing EU disaster and crisis response in third countries', COM (2005) 153 final.
- European Court of Auditors (1997), Special Report No. 2/97 concerning humanitarian aid from the European Union between 1992 and 1995, OJ C 143, 12/05/1997, pp. 1-65.
- European Court of Auditors (2006), *Special Report No. 3/2006 concerning the European Commission Humanitarian Aid Response to the Tsunami*, OJ C 170, 21/07/2006, pp. 1-21.
- European Parliament (2000), Report on the Communication from the Commission to the Council and the European Parliament: Assessment and Future of Community Humanitarian Activities, PE286.789.
- European Security Strategy (2003), 'A Secure Europe in a Better World', Brussels, 12 December 2003.
- Fox, Fiona (2001), 'New Humanitarianism: Does It Provide a Moral Banner for the 21st Century?', *Disasters*, Vol. 25 (4), pp. 275-289.
- Franklin Advisory Services (1999), *Evaluation of Humanitarian-Aid Actions Stipulated under Article 20 of Council Regulation (EC) No. 1257/96 of 20.6.96. Third Phase – Synthesis*, Brussels: European Commission.
- Fraser, Helena and Dennis McNamara (2004), 'Managing the mandates: the quest for coherence in the UN system', in *The Humanitarian Decade. Challenges for Humanitarian Assistance in the last decade and into the future*, Geneva: UN Office for the Coordination of Humanitarian Affairs, pp. 80-93.
- Harmer et al. (2004), *From Stockholm to Ottawa: A Progress review of the Good Humanitarian Donorship Initiative*, London: Overseas Development Institute.
- Henk, Dan (2005), 'Human Security: Relevance and Implications', *Parameters*, Vol. 35 (2), pp. 91-106.
- ICG (2001), *The European Humanitarian Aid Office (ECHO): Crisis Response in the Grey Lane*. Brussels: International Crisis Group.
- Holland, Martin (2002), *The European Union and the Third World*, Houndmills Basingstoke: Palgrave.
- Kent, Randolph (2004), 'International humanitarian crises: two decades before and two decades beyond', *International Affairs*, Vol. 80 (5), pp. 851-869.
- Luck, Edward (2003), 'Reforming the UN's Humanitarian Machinery: Sisyphus Revisited?', Discussion Paper for the Ground Project of the Stanley Foundation, <http://www.stanleyfoundation.org/programs/hrp/papers/luck.pdf>.
- MacFarlane, Neil S. (2001), 'Humanitarian Action: the Conflict Connection', Occasional Paper No. 43, Providence: The Thomas J. Watson Jr. Institute for International Studies.
- Macrae, Joanna (2003), 'Should EU Humanitarian Aid Become a Tool of the CFSP?', in *EU Humanitarian Aid: Challenges Ahead. Conference Report*, VOICE and ECHO, Brussels 20 May 2003, pp 38-42.
- Macrae, Joanne (2004), 'Understanding Integration from Rwanda to Iraq', *Ethics & International Affairs*, Vol. 18 (2), pp. 29-35.
- Macrae, Joanna et al. (2002), *Uncertain power: the changing role of official donors in humanitarian action*, London: Overseas Development Institute.
- Macrae Joanna, Emery Brusset and Christine Tiberghien (2003), 'Coherence or cooption? Europe and the new humanitarianism', in *Europe in the World. Essays on EU foreign, security and development policies*, London: BOND, pp. 9-19.
- Macrae, Joanna and Adele Harmer (2004), 'Good Humanitarian Donorship and the European Union: Issues and Options', Background paper presented for the informal Humanitarian Aid Committee, Dublin, 25-26 March 2004, London: Overseas Development Institute.
- Macrae, Joanna and Nicholas Leader (2000), *Shifting sands: The search for 'coherence' between political and humanitarian responses to complex emergencies*, London: Overseas Development Institute.
- Matthiessen, Michael (2004), Issue Note on Development Policy and the Armed Forces, Internationale Weiterbildung und Entwicklung, <http://mandela.inwent.org/ef/military/matthiessen.htm>.
- Mills, Kurt (2005), 'Neo-Humanitarianism: The Role of International Humanitarian Norms and Organizations in Contemporary Conflict', *Global Governance*, Vol. 11 (2), pp. 161-183.
- Minear, Larry (2002), *The Humanitarian Enterprise*, Bloomfield, CT: Kumarian.

- Minear, Larry (2004), 'Informing the Integration Debate with Recent Experience', *Ethics & International Affairs*, Vol.18 (2), pp. 53-59.
- Mowjee, Tasneem (2004), *European Union policy approaches in protracted crises*, London: Overseas Development Institute.
- Mowjee, Tasneem and Joanne Macrae (2002), *Accountability and influence in the European Community Humanitarian Aid Office*, London: Overseas Development Institute.
- Nuttall, Simon (2005), 'Coherence and Consistency', in Christopher Hill and Michael Smith (eds.), *International Relations and the European Union*, Oxford: Oxford University Press, pp. 91-112.
- Nyamugasira, Warren, Nigel Marsh and Lincoln Ndogoni (1998), 'Equipping Humanitarian Workers in Conflict Situations to be Agents of Positive Development Energy', World Vision International, <http://www.child-rights.org/PolicyAdvocacy/pahome2.5.nsf/allreports/778D28F8D69DAEEA88256E46008360BD?OpenDocument>.
- Nye, Joseph S. (2004), *Soft power: the means to success in world politics*, New York: PublicAffairs.
- Olsen, Gorm Rye, Nils Carstensen and Kristian Høyen (2003), 'Humanitarian Crises: What Determines the Level of Emergency Assistance? Media Coverage, Donor Interests and the Aid Business', *Disasters*, Vol. 27 (2), pp. 109-126.
- Perrin, Pierre (1998), 'The impact of humanitarian aid on conflict development', *International Review of the Red Cross*, No. 323, pp. 319-333.
- Porter, Toby (2002), *An External Review of the Consolidated Appeals Process*, Geneva : UN Office for the Coordination of Humanitarian Affairs.
- Randel, Judith and Tony German (2000), *Global Humanitarian Assistance 2000*, <http://www.devinit.org/ghaprelims.pdf>.
- Randel, Judith and Tony German (2003), *Global Humanitarian Assistance 2003*, <http://www.globalhumanitarianassistance.org/GHA2003/WeblinkPDFs/0p3-4W.pdf>.
- Raynard, Peter (2000), 'Mapping Accountability in Humanitarian Assistance', Report resented to ALNAP at the Biannual Meeting in April 2000, London: ALNAP.
- Schenkenberg van Mierop, Ed (2004), 'UNHCR and NGOs: Competitors or Companions in Refugee Protection', *Migration Information Source*, 1 February 2004, <http://www.globalpolicy.org/ngos/aid/2004/0201companion.htm>.
- Slim, Hugo (2001), 'Military Intervention to Protect Human Rights: The Humanitarian Agency Perspective', *The Journal of Humanitarian Assistance*, <http://www.jha.ac/articles/a084.htm>.
- Smith, Karen (2003), *European Union Foreign Policy in a Changing World*, Cambridge: Polity Press.
- Taylor, Paul (1999), 'The United Nations in the 1990s: Proactive Cosmopolitanism and the Issue of Sovereignty', *Political Studies*, XLVII, pp. 538-565.
- TEEC-The European Evaluation Consortium (2005), *Global Evaluation in the Field of 'Civil Protection' – Final Report*, 5th July 2005.
- United Nations Development Programme (1994), *Human Development Report 1994: New Dimensions of Human Security*, New York: Oxford University Press.
- Uvin, Peter (1999), *The Influence of Aid in Situations of Violent Conflict*, Paris: OECD-DAC.
- VENRO (2006), 'Linking relief, rehabilitation and development. Approaches and financing instruments to improve the transition between relief, rehabilitation and development co-operation', Bonn: Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen.
- VOICE (2004), 'EU Crisis Management – A Humanitarian Perspective', Brussels: Voluntary Organisations in Cooperation in Emergencies, <http://www.ngovoice.org/publications&materials/index.html>.
- Willitts-King, Barnaby (2004), 'Good Humanitarian Donorship and the European Union: a study of good practice and recent initiatives', http://www.reliefweb.int/ghd/EU_GHD_study_final_report.pdf.
- Willitts-King, Barnaby (2006), 'Briefing paper on donor financing decisions in EU humanitarian aid', Commissioned by the Ministry for Foreign Affairs of Finland, <http://www.goodhumanitarianandonorship.org/Barnaby%20Willitts-King%20briefing%20paper%20on%20donor%20financing%20decisions%2012%20Dec%2006.doc>